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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,647	04/08/2004	Ralph E. Wesinger JR.	NES-014COI	9001

28661 7590 04/18/2007  
SIERRA PATENT GROUP, LTD.  
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EXAMINER
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AHN, SANGWOO

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/821,647	WESINGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sangwoo Ahn	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's communication filed on 1/30/2007 has been entered.

Claims 1 – 22 are pending in this Office Action.

Claims 1, 12 – 22 have been amended.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12 – 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are, at best, functional descriptive material per se. For an apparatus to be a physical object, at least one recited element must be hardware. If all elements (including all "means") would have been reasonably interpreted in light of the disclosure by one of ordinary skill as software alone, the claim is directed to software per se and is non-statutory.

When functional descriptive material is recorded on some computer-readable storage medium and executed by a processor, it becomes structurally and functionally

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interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3 – 6, 8 – 11, 12, 14 – 17, and 19 – 22 are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent Number 5,870,552 issued to Linda T. Dozier et al (hereinafter "Dozier").

Regarding claim 1, Dozier discloses,

A method for searching a database on a web site comprising:

providing a web server having an associated database, the web server being accessible to users over a public network (Figure 3, Abstract lines 4 – 5, column 1 line 22, et seq.);

providing HTML front-ending tools for facilitating an owner being able to add an entry to the database and index the entry with a user-defined keyword using a standard web browser without the need for any additional user software (Figure 10b, column 1 line 57, column 2 line 50, column 3 lines 60 – 61, column 6 lines 7 – 10, et seq.);

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receiving a request from a user to search for information on the web site (column 3 line 54, et seq.);

searching a database associated with said web site according to said user's search criteria (Figures 4 and 10d, column 7 line 44, column 16 line 19 – 20, et seq.);

presenting a search result page responsive to said search containing results arranged in list form, each of said search results comprising a link to a corresponding full page entry stored in said web site (Figures 4, 8a – 8b, column 4 lines 7 – 10, et seq.);

receiving a request from said user to view one of a selected search results on said search result page (Figure 4, 8a – 8b, column 16 lines 43 – 44, et seq.); and

presenting a full page entry corresponding to said selected search result (Figures 4, 8a – 8b, column 3 lines 54 – 56, et seq.).

Regarding claim 3, Dozier discloses,

said full page entry has a URL different than said web site (Figures 8a – 9b, et seq.).

Regarding claim 4, Dozier discloses,

said act of searching said database includes searching by category (column 15 lines 55 – 57; 65 – 66, column 16 lines 43 – 44, et seq.).

Regarding claim 5, Dozier discloses,

said act of searching said database includes searching by keyword (Figures 10b – 10d, column 15 lines 55 – 57; 65 – 66, column 16 lines 43 – 44, et seq.).

Regarding claim 6, Dozier discloses,

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said act of searching said database includes searching by URL (Figures 10b – 10d, column 15 lines 55 – 57; 65 – 66, column 16 lines 43 – 44, et seq.).

Regarding claim 7, Dozier discloses,  
presenting a page containing a pre-sorted listing corresponding to the most common searches performed on said web site (Figures 8a – 8b, column 3 lines 7 – 10, et seq.).

Regarding claim 8, Dozier discloses,  
said act of searching said database includes searching by sub-category (Figures 4, 10b – 10d, column 15 lines 55 – 57; 65 – 66, column 16 lines 43 – 44, et seq.).

Regarding claim 9, Dozier discloses,  
said act of searching said database includes searching by category tree.

Regarding claim 10, Dozier discloses,  
said act of searching said database includes searching by category and keyword (Figures 4, 10b – 10d, column 15 lines 55 – 57; 65 – 66, column 16 lines 43 – 44, et seq.).

Regarding claim 11, Dozier discloses,  
said act of searching said database includes searching by category, keyword and URL (Figures 10b – 10d, column 15 lines 55 – 57; 65 – 66, column 16 lines 43 – 44, et seq.).

Claims 12, 14 – 22 are essentially the same as claims 1, 3 – 11 except they set forth the limitations as “an apparatus” rather than “a method”, therefore are rejected based on the same rationale discussed in claims 1, 3 – 11 rejections.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dozier in view of U.S. Patent Number 5,550,976 issued to Kenneth R. Henderson et al (hereinafter "Henderson").

Regarding claim 2, Dozier discloses the method of claim 1.

Dozier does not explicitly disclose logging in by said user.

However, Henderson discloses logging in by the user (column 7 lines 60 – 65, et seq.). At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to combine the two references because Henderson's login method would have enabled Dozier's overall system to be robust, tamper resistant, highly data secure and virus resistant (column 4 lines 28 – 29, et seq.).

Claim 13 is rejected based on the same rationale discussed above.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Patent Examiner Sangwoo Ahn  
AU 2166

4/5/07 SW

  
MOHAMMAD ALI  
PRIMARY EXAMINER